

Legal Notice

Comprehensive Five-Year Bond Review for ES Stone and Structure (ES Stone) Hard Rock Mining Operating Permit No. 00163

The Department of Environmental Quality (DEQ) is conducting a comprehensive bond review for Operating Permit No. 00163 issued to ES Stone. ES Stone has 11 active sites located in Cascade, Golden Valley, and Wheatland Counties. The site locations are as follows:

Site 1 is located in Golden Valley County in Sections 16 and 17 of Township 6 North, Range 19 East.

Site 4 is located in Golden Valley County in Sections 23 and 24 of Township 6 North, Range 20 East.

Site 12 is located in Cascade County in Section 31 of Township 19 North, Range 4 East.

Sites 13, 14, 16, 17, and 21 are located in Wheatland County and are adjacent to one another. Sites 13, 14, 16, 17, and 21 are in Sections 34 and 35 of Township 8 North, Range 15 East and Sections 2 and 3 of Township 7 North, Range 15 East.

Sites 18 and 19 are in Cascade County and are adjacent to each another. Sites 18 and 19 are in Sections 25, 26, 27, 28, and 29 of Township 22 North, Range 1 East.

Site 20 is in Cascade County in Section 35 of Township 21 North, Range 1 East and Sections 1 and 2 of Township 20 North, Range 1 East.

DEQ has determined that the current bonding level does not represent the present costs of compliance with the Metal Mine Reclamation Act, administrative rules adopted thereunder, and the operating permit. DEQ is now proposing a bond increase of \$264,345 (from \$199,265 to \$463,610). The bond increase is largely due to additional disturbance area and waste rock piles noted during inspections by DEQ staff, as well as an increase in proposed disturbance for the next five years.

DEQ previously issued a final bond determination for the 5-year review of the ES Stone bond on February 1, 2021. However, ES Stone has since submitted information to DEQ that has necessitated a new revised 5-year bond review. The final bond determination issued on February 1st was \$676,150. The decrease from the initial final bond determination to the revised proposed bond determination is due to a clarification on disturbance acreage designation at one of the ES Stone sites—less acres are disturbed than were designated in the initial final bond determination.

The procedure for adjusting bonds as a result of a comprehensive bond review is set forth in Section 82-4-338(3), MCA. The company and the public will have until March 23, 2021, to comment on the proposed bond increase. DEQ will issue a revised final bond determination after the comment period has expired. The company, or any person with an interest that may be adversely affected by DEQ's final bond determination, may obtain a contested case hearing before the Board of Environmental Review. A written request for a hearing must be filed with DEQ within 30 days of the issuance of the revised final bond determination, stating the reason for the request.

Requests for copies of the bond calculation associated with the comprehensive bond review, and any related questions should be directed to Herb Rolfes, Operating Permit Section Supervisor, Hard Rock Mining Bureau, Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901, by telephone at (406) 444-3841 or by e-mail at hrolfes@mt.gov.